

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

Delta National Bank and Trust Company,

Defendant.

Adv. Pro. No. 11-02551 (CGM)

**ORDER DENYING DELTA NATIONAL BANK AND TRUST
COMPANY'S MOTION TO DISMISS THE COMPLAINT**

Defendant Delta National Bank and Trust Company (“**Delta Bank**”) filed a motion to dismiss the Complaint under Bankruptcy Rules 7008 and 7012 and Federal Rules of Civil Procedure 8(a)(2) and 12(b)(6) (the “**Motion**”) on April 29, 2022. The parties stipulated to rest on their papers and waive oral argument on the Motion on August 12, 2022. The Court has considered

the Motion, the papers filed in support of and in opposition to the Motion, and the Complaint. The Court issued a memorandum decision, dated August 12, 2022, regarding the Motion (the “**Decision**”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for the Delta Bank to file an answer to the Complaint is October 13, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: August 23, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge